

REMARKS

Claims 1 to 22 are pending in the application. Claims 14 and 16 have been amended. No new matter is believed added.

Rejection under 35 USC § 112, Second Paragraph

Claims 14 to 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection.

The Examiner comments that "Claim 14 lacks a step whereby the objective of using calcium as a tooth erosion inhibitor is accomplished, i.e. no step of contacting the teeth is set forth". While Applicants agree with the Examiner that a contacting step is not affirmatively recited, the claim was set forth as a process to formulate a composition such that its use by a human in the oral cavity would reduce tooth erosion. However, to advance prosecution on the merits, Claim 14 has been amended to recite administration of the resulting composition orally.

In view of these remarks and amendments reconsideration and withdrawal of the rejection to claims 14 to 18 is respectfully requested.

Double Patenting

Claims 1 to 13, 19, and 20 are provisionally rejected under the judicially created doctrine of obviousness double patenting as being unpatentable over claims 1 to 13, 22 and 27 of copending application no. 10/051,846.

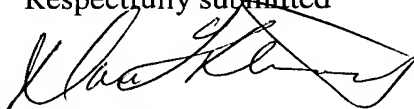
Claims 14 to 18, 21, and 22 are also rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 36 of US Patent No. 6,319,490.

Applicants submit herewith a terminal disclaimer over the claims of co-pending application USSN 10/051,846 and a second terminal disclaimer over the claims of US Patent No. 6,319,490, as requested by the Examiner.

It is believed that in view of the amendments to the claims, and submission of the two terminal disclaimers, the application should now be in condition for allowance.

Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned at the number below. It is not believed that this paper should cause any additional fees or charges to be required, other than expressly provided for already. However, if this is not the case the Commissioner is hereby authorized to charge Deposit account 19-2570 accordingly.

Respectfully submitted



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